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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/365,426-Conf. #1765
		Filing Date	August 2, 1999
		First Named Inventor	Peter Hartmaier
		Art Unit	3624
		Examiner Name	D. S. Felten
Total Number of Pages in This Submission	3	Attorney Docket Number	51410/P013US/09900130

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Michael J. Fogarty, III		
Date	June 1, 2006	Reg. No.	42,541

Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568253960US, on the date shown below in an envelope addressed to:
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06-02-06

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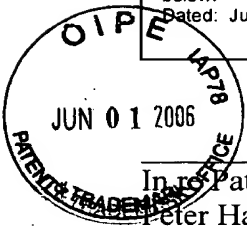
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(Donna Forbit)

Docket No.: 51410/P013US/09900130
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter Hartmaier

Application No.: 09/365,426

Confirmation No.: 1765

Filed: August 2, 1999

Art Unit: 3624

For: SYSTEM AND METHOD FOR PREPAID
ACCOUNT REPLENISHMENT

Examiner: D. S. Felten

APPELLANT'S RESPONSE TO EXAMINER'S ANSWER (37 CFR 1.193(B))

MS Appeal Brief - Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

This Reply is in response to the Examiner's Answer mailed March 23, 2006.

In section (10) Response to Argument, on page 8-9 of the Examiner's Answer, the Examiner cites to Appellant's definition of "bank" in the original application. Appellant has defined the term "bank," for purposes of the present application, as follows:

It will be understood that in the present invention the term "bank" can mean a banking institution or any system that supports a point of sale network.

Application at 9, lines 5-6.

The Examiner now equates host computer 308 in the Taskett '237 reference to the claimed "bank" because it stores a prepaid card balance. Examiner's Answer at 9. A computer storing a prepaid card balance is not a bank or a banking network as described in the present application or as required in the pending claims. A computer, such as element 308 in Taskett '237, is NOT (1) a banking institution, or (2) a system that supports a point of sale network. Therefore, Taskett '237 does not teach the bank or banking network elements required in the claims.

Furthermore, the Examiner's new argument - that computer 308 is a bank - is internally inconsistent with other statements in the Examiner's Answer. For example, the Examiner stated that:

T237 fails to disclose,
as in claims 29-32, communicating with a service banking network/host computer regarding replenishment transactions.

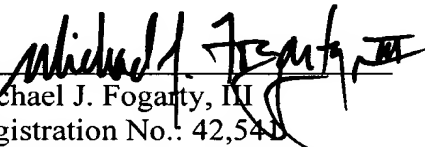
Examiner's Answer at 5 (emphasis in original).

Therefore, as Appellant has previously argued, the cited references do not teach or suggest sending a disbursement message to a bank or banking network as required in the pending claims. Accordingly, the current rejections should be withdrawn and the pending claims should be passed to issue.

Applicant believes no fee is due with this Reply Brief. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 51410/P013US/09900130 from which the undersigned is authorized to draw.

Dated: June 1, 2006

Respectfully submitted,

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